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January 16, 2004

Hon. Ron Jones, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Implementation of the Federal Communications Commission's
Triennial Review Order – 9 Month Proceeding – Switching
Docket 03-00491*

Dear Director Jones:

The purpose of this letter is to provide you with a status report on the discussions between BellSouth Telecommunications, Inc. ("BellSouth") and MCImetro Access Transmission Services, LLC and Brooks Fiber Communications of Tennessee, Inc. (collectively "MCI") concerning the issues raised in MC's Motion to Compel filed on December 12, 2003. Both parties appreciate your patience, and I am pleased to report that the parties have been able to resolve the vast majority of the issues that were the subject of MCI's motion. The resolution of each of these issues is discussed briefly below. There are few outstanding issues upon which BellSouth and MCI have not been able to agree that will require your involvement, which also are addressed in greater detail below.

Resolved Issues

Interrogatory No. 12 – BellSouth has agreed to supplement its response to this request by providing additional information concerning the number of hot cuts performed in its central offices since July 2001.

Interrogatory No. 25 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 28 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 30 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 31 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory Nos. 102 and 103 – These interrogatories seek information concerning switches used by cable operators and CMRS providers. In the event BellSouth relies upon such switches to meet the triggers in Tennessee, BellSouth has agreed to supplement its responses to these requests, subject to any applicable protective agreements and the FCC's CPNI rules and to the extent the information requested is in BellSouth's possession, custody, or control.

Interrogatory No. 125 – BellSouth has agreed to supplement its response to this request to provide information concerning copper facilities that have been removed or abandoned since January 1, 2002, although this information does not distinguish whether the facilities were in the feeder system or distribution plant, as MCI requested.

Interrogatory No. 130 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 138(c) – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 140(a) – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 142 – BellSouth has agreed to supplement its response to this request to provide information concerning BellSouth's average revenues, but only based on a recent snap shot in time and only at the level of detail the data is readily available rather than for the time periods and at the level of detail requested by MCI. Although BellSouth requested that MCI agree to provide similar information concerning its average revenues which BellSouth has requested in discovery, MCI has indicated that it does not intend to do so. As a result, it may be necessary for BellSouth to file a motion to compel MCI to provide such

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information, particularly when, based upon testimony filed in similar proceedings in other states, MCI's expert relies upon MCI's average revenue data in his economic impairment model.

Interrogatory No. 143 – BellSouth has agreed to supplement its response to this request to provide information concerning universal service funds received by BellSouth.

Interrogatory No. 144 – BellSouth has agreed to supplement its response to this request to provide information concerning the extent to which BellSouth's current retail rates in Tennessee are subsidized.

Interrogatory No. 145 – This request is related to Interrogatory No. 142, and BellSouth will supplement its response in the same manner described above.

Interrogatory No. 146 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 147(a) – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 147(b) and (c) - This request is related to Interrogatory No. 142, and BellSouth will supplement its response in the same manner described above.

Interrogatory No. 149 – BellSouth has agreed to supplement its response to this request to provide information concerning BellSouth's digital loop carrier costs in Tennessee.

Interrogatory No. 150 – BellSouth has agreed to supplement its response to this request to provide information concerning BellSouth's digital loop carrier costs in Tennessee.

Interrogatory No. 162 – BellSouth has agreed to supplement its response to this request to incorporate by reference its responses to Interrogatory Nos. 118, 119, 120, and 121, which contain information concerning BellSouth's retail lines, DSL, line sharing and line splitting arrangements, respectively.

Interrogatory No. 163 – This request is related to Interrogatory No. 162, and BellSouth will supplement its response in the same manner described above.

Interrogatory No. 164 – This request is related to Interrogatory No. 162, and BellSouth will supplement its response in the same manner described above.

Interrogatory No. 169 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 170 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 171 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 172 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 173 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 175 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 177 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 178 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 179 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 180 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 181 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 182 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 183 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 184 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 185 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 186 - BellSouth has agreed to supplement its response to this request to provide the website address where copies of contracts between BellSouth and BellSouth Long Distance, Inc. ("BSLD") are located.

Interrogatory No. 187 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 188 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 189 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 190 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 191 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 192 – MCI has agreed to withdraw its motion to compel as it relates to this request.

Interrogatory No. 193 - This request is related to Interrogatory No. 142, and BellSouth will supplement its response in the same manner described above.

Request for Production No. 1 – BellSouth will produce any additional documents that are responsive to the interrogatories, the responses to which BellSouth has agreed to supplement.

Unresolved Issues

Interrogatory Nos. 76-77, 80-81, 84-85, and 88-89

These requests seek detailed information about the Operational Support Systems ("OSS") used by BellSouth's retail services and subsidiaries and affiliates. BellSouth objected to these requests on relevancy grounds and on grounds that BellSouth was not in a position to provide information on behalf of its affiliated companies. When asked to explain the purported relevancy of the requested information, counsel for MCI stated that MCI intends to "compare the UNE-L OSS that BST offers CLECs with the OSS BST and its affiliates use for their switched services," which, according to MCI, "will indicate whether the UNE-L OSS is non-discriminatory." January 12, 2004 e-mail from Ken Woods. BellSouth strongly disagrees with MCI's position that "whether the UNE-L OSS is non-discriminatory" is an issue in this proceeding. Despite repeated requests to do so, MCI has not cited any language in the TRO which directs the state commissions to evaluate whether an incumbent's OSS is nondiscriminatory in assessing economic impairment. Furthermore, both the FCC and the Tennessee Regulatory Authority have already determined that BellSouth provides nondiscriminatory access to OSS in connection with the 271 proceedings, and it is unclear why MCI would seek to revisit that determination here.

Although MCI proposed during the parties' discussions to limit these interrogatories "to the extent to which BST or its affiliate is providing services using switch facilities," this is no limitation at all for BellSouth, since the vast majority of local exchange service it offers is "switched." January 12, 2004 e-mail from Ken Woods. As far as BellSouth's affiliates go, BellSouth is not privy to any switch facilities that may be used by its affiliates such as BellSouth Long Distance, Inc. ("BSLD") or Cingular. Furthermore, even assuming these affiliated companies have switches and even assuming BellSouth could lawfully be required to answer discovery on their behalf (which is not the case), MCI cannot explain the relevance of the OSS used by BSLD or Cingular to the issue of whether CLECs are impaired without access to unbundled switching, particularly when neither Cingular nor BSLD purchases unbundled loops. Under the circumstances, BellSouth is unwilling

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to supplement its responses to these interrogatories, and MCI's motion to compel should be denied as it relates to these requests.

~~Very~~ truly yours,

A handwritten signature in black ink, consisting of a large, sweeping loop that starts under the 'V' of 'Very', goes up and over the 'y', then loops back down and to the left, ending under the 's' of 'yours'.

Guy M. Hicks

GMH:ch

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

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